

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4669 OF 2007.
IN
FIRST APPEAL NO.2162 OF 2006.

Kishore Waradkar. ... Applicant.
Versus.
Municipal Corporation of Greater
Mumbai and others. ... Respondents.

Ms.Shubhangi Chavan for the Applicant.

Ms.Nisha Dabhade for the Respondent-BMC.

CORAM : ABHAY S.OKA, J.

DATED : 12th October, 2007.

P.C.:

1. Heard the learned Advocates appearing for the parties. By order dated 13th February 2007 the Appeal preferred by the Applicant i.e. First Appeal No.2161 of 2006 was dismissed. However, permission was granted to the Applicant to apply for regularisation of the suit structure.

2. In the present Application it is stated that M/s.Gajanan Pendekar & Associates, Architects submitted necessary proposal for regularisation in terms of the order of this Court. It is stated that time will be required to obtain a particular document from MHADA. Therefore, a prayer has been made in this Application for extension of time to decide the proposal for regularisation.

3. The learned Counsel for the 1st Respondent has produced for my perusal a communication dated 5th May 2007 issued by the Executive Engineer, Building Proposal, City-I, addressed to M/s.Gajanan Pednekar & Associates, Architects informing them that the proposal for regularisation has been rejected. The learned Counsel for the 1st Respondent on instructions stated that the said communication has been sent by Registered Post A.D. to the Architects.

4. As the proposal for regularisation has already been rejected, the prayer made in this Application cannot be granted. Hence the Application is rejected. However, rejection of this Application will not preclude the Applicant from taking appropriate steps as regards communication dated 5th May 2007.

Judge.